

REMARKS

Request for Phone Interview

Applicants' representative scheduled a phone conference with Examiner Dwayne Handy for February 27, 2009. However, on February 27, 2009, Examiner Handy called to inform Applicants' representative that he was unable to hold a phone conference that day. Applicants' representative continues to believe that a phone conference would aid in reducing the issues remaining in this application.

Status of the Claims

Claims 1, 3-8, 10, 11, 14, 15, 20, and 23-50 are currently pending and under examination. Claims 2, 9, 16-19, 21, and 22 have been canceled without prejudice or disclaimer of the subject matter claimed therein. Claims 1, 10, 20, 24, and 25 have been amended.

Amendments to the Claims

Claims 1, 10, 20, 24, and 25 have been amended. Support for the amendments can be found throughout the specification. Representative support is summarized below.

Claims 1 and 20 have been amended to replace "first" before tube in the last line of the claim with "connecting". Representative support for the amendment can be found in claim 1 or 20 as originally filed.

Representative support for the amendment to claim 10 can be found in claim 9 as originally filed.

Claims 24 and 25 have been amended to replace " μ " (micron) with " μm " (micrometer) for consistency with previous amendments to the specification.

The amendments to the claims do not introduce prohibited new matter.

Rejection of the Claims Under 35 U.S.C. § 102(b)

A. Claims 1, 6-8, 10, 11, 14, 15, 20, 23, 29-31, 35-37, 40, 41, 45, 46, and 48-50 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,801,280 (Shah).

B. Claims 1, 6-8, 10, 11, 14, 15, 20, 23, 29-32, 35-37, 40-42, 45, 46, and 48-50 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,802,272 (Bischoff).

Neither Shah nor Bischoff can anticipate the claimed invention, because at least one element of the claimed invention is not taught by either reference. Both Shah and Bischoff disclose an apparatus comprising separate tubes for transporting the solution into and out of the container, in contrast to the presently claimed invention. Moreover, unlike the presently claimed apparatus, the containers of Shah and Bischoff include a separate chamber for holding the material for dissolution. Shah teaches the use of a perforated chamber for holding the solid material for dissolution, while Bischoff teaches the use of a basket for holding the solid material for dissolution. Accordingly, neither Shah nor Bischoff anticipates the claimed invention.

Rejection of the Claims Under 35 U.S.C. § 103(a)

A. Claims 24-26, 33, 34, 43, and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah or Bischoff.

The Office Action alleges that the only difference between the cited art and the presently claimed apparatus is the volume of the container and the filter size range. However, Applicants respectfully point out that the differences in the apparatuses of Shah and Bischoff and the presently claimed apparatus include not only the volume of the container and the filter size range, but also those discussed immediately above. Accordingly, neither Shah nor Bischoff renders the claimed invention obvious.

B. Claims 28 and 39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah or Bischoff in view of U.S. Patent 6,613,278 (Mills).

The Office Action alleges that Shah or Bischoff teaches every element of the claims except for the sonicator and that Mills teaches a device that includes a sonicator. However, Applicants respectfully point out that neither Shah nor Bischoff teaches every element of the claims as discussed above and that Mills does not overcome the deficiencies of Shah or Bischoff. Accordingly, the cited references do not render the claimed invention obvious.

C. Claims 27 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bischoff in view of U.S. Patent 6,320,025 (Slavazza).

The Office Action alleges that Bischoff teaches every element of the claims except for the shaker and that Slavazza teaches a device that includes a shaker. However, Applicants

respectfully point out that Bischoff does not teach every element of the claims as discussed above and that Slavazza does not overcome the deficiencies of Bischoff. Accordingly, the cited references do not render the claimed invention obvious.

D. Claims 3-5 and 47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah or Bischoff in view of U.S. Patent 5,711,917 (Juranas).

The Office Action alleges that Shah or Bischoff teaches every element of the claims except for the frit element on the second port and that Juranas teaches an apparatus that includes a suction tube containing a frit. However, Applicants respectfully point out that neither Shah nor Bischoff teaches every element of the claims as discussed above and that Juranas does not overcome the deficiencies of Shah or Bischoff. Accordingly, the cited references do not render the claimed invention obvious.

Conclusion

The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
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/Sally Teng/

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